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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

VANESSA SUAREZ TORRES,

Defendant and Appellant.

G046738

(Super. Ct. No. 10NF1269)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Craig E. Robison, Judge. Affirmed.

Michelle Rogers, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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We appointed counsel to represent defendant Vanessa Suarez Torres on appeal. Counsel filed a brief which set forth the facts of the case. Counsel did not argue against the client, but advised the court no issues were found to argue on defendant's behalf. Defendant was given 30 days to file written argument in defendant's own behalf. That period has passed, and we have received no written argument from defendant. (*People v. Wende* (1979) 25 Cal.3d 436.)

Defendant was charged with two counts of aggravated assault, two counts of kidnapping, gang-related battery and street terrorism. She pleaded guilty and submitted the following statement as a factual basis for her guilty plea: "1. On 3-24-10, in Orange County, I knowingly, willfully and unlawfully did the following: Assaulted Jane Doe with a deadly weapon, to wit: A broken beer bottle and I caused her great bodily injury. [¶] 2. On 3-25-10, in Orange County, I knowingly and actively participated in a criminal street gang called Eastside Anaheim, which is an informal gang with more than three members, that has, in the last three years, engaged in a pattern of criminal activity and which commits, as some of its primary activities, crimes such as assaults with deadly weapons and felony vandalisms. [¶] I willfully promoted, aided and abetted and furthered the interest of that gang and its members by committing the felonious conduct previously described in paragraph #1 above. I committed these offenses for the benefit of, at the direction of, or in association with the Eastside Anaheim criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by Eastside Anaheim gang members."

The plea agreement states that she is sentenced to state prison for a term of six years, that she already served 673 days in actual custody and that she accumulated 100 days of good time/work time for a total credit of 773 days. In her plea agreement, she waived her right to appeal from decisions and orders of the superior court.

Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel listed three possible issues: (A) Is defendant's guilty plea constitutionally valid? (B) Did the trial

court err when it limited defendant's credits under Penal Code section 2933.1? (C) Was defendant's waiver of her appellate rights valid?

With regard to the constitutionality of defendant's plea, we have examined the transcript of the trial court's questions of defendant when her plea was accepted. The court asked defendant whether or not she had a chance to review the plea form with her lawyer, and defendant said she did. We are satisfied the court personally admonished defendant of the direct consequences of her plea before accepting her waiver of her constitutional rights, and that she freely and voluntarily waived them. (*Boykin v. Alabama* (1969) 395 U.S. 238; *In re Tahl* (1969) 1 Cal.3d 122.) Once the court determined defendant reviewed the content of the plea form with her lawyer and was assured defendant was satisfied she understood her rights and the consequences of her plea, the court was not required to specifically question defendant about her giving up her right to appeal. Under the circumstances we find in this record, we must conclude defendant's waiver of her appellate rights is enforceable. (*People v. Panizzon* (1996) 13 Cal.4th 68, 83-84.)

As to whether or not the trial court erred in limiting defendant's custody credits, we find no error. A defendant's plea admits all matters essential to the conviction. The issues cognizable on appeal are those based on "reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings" resulting in the plea. But review of these issues requires a certificate of probable cause, which defendant failed to obtain. (Pen. Code, § 1237.5, subd. (a); Cal. Rules of Court, rule 8.304(b)(4)(B), (b)(5).) "Section 1237.5 [is designed] 'to promote judicial economy' [citation] 'by screening out wholly frivolous guilty . . . plea appeals before time and money are spent' on such matters as preparation of the record on appeal [citation], the appointment of appellate counsel [citation], and, of course, consideration and decision of the appeal itself." (*People v. Mendez* (1999) 19 Cal.4th 1084, 1095.)

Appealable issues cognizable without a certificate of probable cause include the sentence on other matters occurring “after entry of the plea,” and the denial of a suppression motion. (Cal. Rules of Court, rule 8.304(b)(4)(B).) But in the case of a negotiated plea with specification of penalty, a certificate is required because the defendant’s challenge to the sentence implicates the plea. (*People v. Panizzon* (1996) 13 Cal.4th 68, 79.) Moreover, here defendant expressly waived her right to appeal in conjunction with her guilty plea as to any “legally authorized sentence the court imposes which is within the terms and limits of [the] plea agreement.” She reached an agreement, and part of that agreement was the number of conduct credits she would be given. Even had she agreed to waive her right to any conduct credits at all, her right to appeal such a waiver would not have survived her agreement. (See *People v. McEwan* (2007) 147 Cal.App.4th 173, 175.) The trial court’s imposition of credits was legally authorized.

The judgment is affirmed.

MOORE, J.

WE CONCUR:

O’LEARY, P. J.

THOMPSON, J.